

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

| | | | |
|---|--|--|---------------------|
| (1) DEPARTMENT Public Works | (2) MEETING DATE 7/24/2012 | (3) CONTACT/PHONE John Diodati, Department Administrator (805) 788-2832 | |
| (4) SUBJECT Submittal of two resolutions for the Los Osos Wastewater Project to: 1) reduce specified assessments; and 2) ordering change of proceedings to increase assessments on two parcels. District 2. | | | |
| (5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <div style="margin-left: 40px;"> 1. Adopt the attached resolution Ordering Change of Proceedings to Reduce Specified Assessments on Six Parcels; and 2. Adopt the attached resolution Ordering Change of Proceedings to Increase Assessments on Two Parcels </div> | | | |
| (6) FUNDING SOURCE(S) N/A | (7) CURRENT YEAR FINANCIAL IMPACT N/A | (8) ANNUAL FINANCIAL IMPACT N/A | (9) BUDGETED? No |
| (10) AGENDA PLACEMENT {X} Consent { } Presentation { } Hearing (Time Est. _____) { } Board Business (Time Est. _____) | | | |
| (11) EXECUTED DOCUMENTS {X} Resolutions { } Contracts { } Ordinances { } N/A | | | |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A | | (13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5th's Vote Required {X} N/A | |
| (14) LOCATION MAP No | (15) BUSINESS IMPACT STATEMENT? No | (16) AGENDA ITEM HISTORY {X} N/A Date | |
| (17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i> | | | |
| (18) SUPERVISOR DISTRICT(S) District 2 - | | | |

Reference: 12JUL24-C-8

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

John Diodati, Department Administrator
John Waddell, P.E., Project Manager

VIA: Paavo Ogren, Director of Public Works

DATE: 7/24/2012

SUBJECT: Submittal of two resolutions for the Los Osos Wastewater Project to: 1) reduce specified assessments; and 2) ordering change of proceedings to increase assessments on two parcels. District 2.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Adopt the attached resolution Ordering Change of Proceedings to Reduce Specified Assessments on Six Parcels; and
2. Adopt the attached resolution Ordering Change of Proceedings to Increase Assessments on Two Parcels

DISCUSSION

Prior to submitting the assessments levied in 2007 for collection on the FY 2011/12 tax roll in mid-August, staff brought forward all known assessment changes for your modification. Since that time, it has been brought to the assessment engineer's attention that there are a few other parcels which need assessment adjustments in the form of either an increase or decrease. Approving the assessment increases will ensure the property owners are able to obtain the favorable financing the County has obtained for construction.

The following is a discussion of the specific recommendations:

Resolution Ordering Change in Proceedings to Reduce Specified Assessments (Technical Corrections)

On December 18, 2007, your Board adopted Resolution No. 2007-494 as the concluding step of formation of the Assessment District that among other things, (a) approved the Engineer's Report, dated December 18, 2007, as amended by a list of recommended reductions in specific assessments which was attached to Resolution No. 2007-494 as Exhibit "A" (the "Final Engineer's Report"), and (b) levied the individual assessments in the amounts stated in the Final Engineer's Report.

On February 27, 2008, the Notice of Assessment and the assessment diagram for the Assessment District were recorded in the official records of the San Luis Obispo County Recorder, and the individual assessments became a lien upon the respective individual parcels upon which they had been levied.

During the intervening period between February, 2008 and now, your Board has adjusted assessments downward after it was established certain properties needed adjustments. Since that time, affected property owners of six additional properties have requested reviews. Public Works staff has reviewed the circumstances pertaining to the parcels, identified as follows:

- a. Assessor's Parcel No. 038-512-037 (Assessment No. 2301), having a street address of 1720 7th Street, Los Osos;
- b. Assessor's Parcel No. 074-229-026 (Assessment No. 2521), having a street address of 2050 Palisades Street, Los Osos;
- c. Assessor's Parcel No. 074-025-018 (Assessment No. 6091), having a street address of 288 Mar Vista Drive, Los Osos;
- d. Assessor's Parcel No. 074-025-020 (Assessment No. 6093), having a street address of 283 Highland Drive, Los Osos;
- e. Assessor's Parcel No. 074-025-022 (Assessment No. 6095), having a street address of 295 Highland Drive, Los Osos;
- f. Assessor's Parcel No. 074-025-024 (Assessment No. 6097), having a street address of 295 Mar Vista Drive, Los Osos;

Public Works staff has determined that, on the basis of the structures situated on each of the parcels, the amount of the assessment should be reduced to reflect a reduced assignment of "benefit units," as the term is used in the Final Engineer's Report. These parcels will have assessments reduced as follows:

- a. For Assessment No. 2301, the amount of the assessment should be reduced from \$24,941.19 to \$0.00; The parcel only has a storage unit with no water service
- b. For Assessment No. 2521, the amount of the assessment should be reduced from \$17,468.72 to \$0.00; The parcel is vacant.
- c. For Assessment No. 6091, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; The parcel already has a lateral and collector installed.
- d. For Assessment No. 6093, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; The parcel already has a lateral and collector installed.
- e. For Assessment No. 6095, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; The parcel already has a lateral and collector installed.
- f. For Assessment No. 6097, the amount of the assessment should be reduced from \$24,941.19 to \$13,533.88; The parcel already has a lateral and collector installed.

These amounts would have been levied by Resolution No. 2007-494 had the facts, found upon review of the six parcels, been known at the time that the Final Engineer's Report was prepared. This reduction is authorized by Section 10352 of the Municipal Improvement Act of 1913.

Resolution Ordering Change of Proceedings to Increase Assessments on Six Parcels

Two parcels were identified as being under-assessed in the 2007 proceedings. One parcel was thought to have had a commercial office on-site, which turned out to be a single family dwelling. The other parcel has three single family dwellings instead of the assigned three multi family units. Staff coordinated with the property owners and has obtained voluntary approval of the increased assessment from both of them.

These parcels will have assessments increased as follows:

- a. For Assessment No. 2535, the amount of the assessment should be increased from \$17,468.72 to \$24, 941.19.
- b. For Assessment No. 3548, the amount of the assessment should be increased from \$36,263.12 to \$74,823.57.

The following table summarizes the increases and decreases proposed in the action before your Board today.

| Assessment Number | APN | Increase/Decrease | Original Assessment | Amended Assessment | Difference |
|--------------------------|-------------|--------------------------|----------------------------|---------------------------|----------------------|
| 2301 | 038-512-037 | Decrease | \$24,941.19 | \$0.00 | \$(24,941.19) |
| 2521 | 074-229-026 | Decrease | \$17,468.72 | \$0.00 | \$(17,468.72) |
| 6091 | 074-025-018 | Decrease | \$24,941.19 | \$13,533.88 | \$(11,407.31) |
| 6093 | 074-025-020 | Decrease | \$24,941.19 | \$13,533.88 | \$(11,407.31) |
| 6095 | 074-025-022 | Decrease | \$24,941.19 | \$13,533.88 | \$(11,407.31) |
| 6097 | 074-025-024 | Decrease | \$24,941.19 | \$13,533.88 | \$(11,407.31) |
| 2535 | 074-252-018 | Increase | \$17,468.72 | \$24,941.19 | \$ 7,472.47 |
| 3548 | 074-263-039 | Increase | \$36,263.12 | \$74,823.57 | \$ 38,560.45 |
| Net Effect | | | | | \$(42,006.23) |

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel is providing legal guidance on all aspects of the Project and has approved the attached resolutions and agreements as to legal form and effect.

FINANCIAL CONSIDERATIONS

The assessment district was formed to finance the cost of construction for the wastewater project and is being funded by property owners in Los Osos. The net effect of these changes results in a decrease of \$42,006.23.

RESULTS

Approval of the recommended actions will continue progress toward a community wastewater project for Los Osos.

File: CF 310.87.02 Los Osos Wastewater Project

Reference: 12JUL24-C-8

L:\MANAGMNT\JUL12\BOS\LOWWP Board Item 7-24-12 brd ltr.doc.jd.taw

ATTACHMENTS

1. Resolution Ordering Change of Proceedings to Reduce Specified Assessments
2. Resolution Ordering Change of Proceedings to Increase Specified Assessments
3. Benefit Unit Decrease Letter for Assessment No. 2301
4. Benefit Unit Decrease Letter for Assessment No. 2521
5. Benefit Unit Decrease Letter for Assessment No. 6091
6. Benefit Unit Decrease Letter for Assessment No. 6093
7. Benefit Unit Decrease Letter for Assessment No. 6095
8. Benefit Unit Decrease Letter for Assessment No. 6097
9. Benefit Unit Increase Agreement for APN 074-252-018
10. Benefit Unit Increase Agreement for APN 074-263-039